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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,791	10/14/2004	Shigehiko Akiyama	JCLA14304	6285

J.C. Patents
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7590

10/01/2007

EXAMINER

CHAPMAN JR, JOHN E

ART UNIT	PAPER NUMBER
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2856

MAIL DATE	DELIVERY MODE
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10/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/511,791		AKIYAMA ET AL.	
	Examiner		Art Unit	
	John E. Chapman		2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/14/04; 7/7/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of the invention of Group I, claims 1-12, in the reply filed on September 12, 2007 is acknowledged.
2. The drawings are objected to because block elements 18 in Fig. 2 should be labeled using an appropriate legend. Block element 21 should be labeled in English. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The specification is replete numerous idiomatic and grammatical errors and should be revised carefully. Examples of such errors in the specification are:

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Page 4, line 7, "when" should be --that--.

Page 4, lines 15-20, the sentence is unclear.

Page 5, line 17, "mislead" should be --mistaken--.

Page 6, lines 21-22, "in order to avoid complicating of the countermeasure action" is unclear.

Page 11, line 10, "cylindrical" should be --a column of--.

Page 11, line 23, "soak" should be --immerse--.

Page 20, line 4, "blend R portion" is unclear.

4. Claims 6, 7 and 12 are objected to because of the following informalities:

Claim 6, line 3, "soaked" should be --immersed--.

Claim 7, line 2, "the" should be --an-- since "the ultrasonic flaw detector" lacks proper antecedent basis. Appropriate correction is required.

Claim 12 should depend upon claim 10, since it is directed to a different embodiment (Fig. 6) from that of claim 11 (Fig. 2) and therefore fails to further limit claim 11. In addition, "soaked" in line 3 should be --immersed--.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-4, 6, 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyajima et al. (4,914,952) in view of Hideto et al. (JP 06-018486).

Miyajima et al. teaches a method for inspecting an object (1) comprising detecting a size and a depth of an internal defect (5) in the object using ultrasonic waves. Note column 10, lines 16-25. Miyajima et al. teaches that the inspected object (1) may be a mass of glass (column 1, lines 18-23). The only difference between the claimed invention and the prior art consists in inspecting a glass panel for a cathode-ray tube. Hideto et al. teaches an ultrasonic method for inspecting a glass panel for cathode ray tubes for internal defects. It would have been obvious to one of ordinary skill in the art to use the method of Miyajima et al. to inspect a variety of glass objects for internal defects, and merely to use the method to inspect a glass panel for a cathode-ray tube for internal defects would have been within the level of ordinary skill in the art.

Regarding claim 8, Miyajima et al. teaches moving the ultrasonic probe (4) relative to the object (1) (column 8, lines 59-63).

7. Claims 5, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyajima et al. in view of Hideto et al. as applied to claims 1 and 10 above, and further in view of deWalle et al. (4,403,510).

The only further difference between the claimed invention and the prior art consists in providing a column of fluid in order to provide a path for ultrasonic waves. It is well known to provide a column of fluid in order to provide a path for ultrasonic waves and avoid the disadvantages of the immersion technique, as taught by deWalle et al. (column 1, lines 26-31).

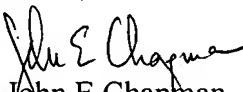
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Accordingly, it would have been obvious to one of ordinary skill in the art to provide a column of fluid in order to provide a path for the ultrasonic waves of Miyajima et al.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burns et al. (5,701,178) discloses a gauging system for glass sheets (10) comprising a conveyer system (11) and a plurality of glass sensors (18).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E. Chapman whose telephone number is (571) 272-2191. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


John E Chapman
Primary Examiner
Art Unit 2856